

PUBLIC MEETING
April 18, 2006

Chair Anita Varone called the meeting to order at 9:00 a.m.

Commissioners Murray and Tinsley were present. Others attending all or portion of the meeting included Nancy Everson, Jerry Grebenc, Cheryl Green, Laura Erikson, Christal Ness, Jimmie Parsons, Frank Rives, Daniel Barrett, Greg McNally, Conrad & Sheryl Hale, Frank Rives, Marni Bentley, Judy Hart, Kelly Blake, Jason Mohr, Kelly Williams, Ronald Curtiss, Sandra Donahue, Heidi Ingels, Georgia Austin, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Consent Items. Nancy Everson reported on the consent agenda.

- a. Quit Claim Deeds from Lewis and Clark County (Grantor) to:
Benton Avenue Cemetery. Broadwater Addition Lot 30 & 31, Block 43.
City of Helena. Joseph Cox Addition Lot 10, Block 8.
City of Helena. Tract C of COS 520258/B Section 36, T10N, R5W.
State of Montana. Northern Pacific Addition Portion of Lot 12, Block 103.
Adam DeYong & Kiley K. Covey. Hoback and Cannon Portion of Lot 7, Block 609.
Martin & Gretchen Heller and Kenneth & Nancy Toole. Helena Original Townsite
Portion of Lots 3 & 21, Block 547.
Tamara & Wayne O'Brien. Helena Original Townsite Lot 76, Block 29.
- b. USDA Forest Service Challenge Cost-Share Agreement. Historical Preservation Commission to Implement Mullan Days Conference in Helena on May 13-14, 2006. Funding in the amount of \$400.00. (Paul Putz)
- c. MT Department of Commerce MOU between Elkhorn Affordable Housing Corporation and LCC. Second phase of GR8 HOPE HOME Program. (Laura Erikson)
- d. Resolution Declaring County Property Surplus Property Less Than \$2,500.00.
- e. Contract and Encroachment Agreement. Lance M. Coon and Kimberly A. Fitzgerald for the right-of-way located south of, and the street proper of 1st Street North, within the Lambkins Addition in Lincoln. To replace the existing septic tank and install an approved connection to the facilities of the Lincoln Sewer District. (Christal Ness) (Tabled from 4/11/06)
- f. Contract and Encroachment Agreement. Patrick and Laurie Pacheco for the right of way of a Public Access Easement known as Hannah Lane, located in the SE¼ and the SW ¼ of Section 25, T11N, R4W; generally located at 6940 Green Meadow Drive, also known as Lot B-2A of the Nelson Minor Subdivision. To install fencing, irrigation pipes and landscaping currently encroaching into the public access easement of Hannah Lane, said encroachment will allow the fence and the irrigation pipe to encroach into the right-of-way 20 feet. Owners hereby agree to remove the current fence and irrigation line from their current location, ten (10) feet to the north, away from the road surface.

Commissioner Murray requested that consent item 'd' be pulled for discussion.

Commissioner Tinsley moved for approval of the remaining consent agenda and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Commissioner Murray referred to the butcher-block table listed as surplus property and asked what happens to the item after it is declared surplus. Staff will contact the Cooney Home Administrator for more information on the table.

Commissioner Murray moved approval of resolution items 2-14 on the surplus property list and authorized the Chair to sign, and tabled Item 1 to Thursday, April 20 at 9 a.m. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Realignment of a Portion of Smith Creek Road. (Petitioners, Haystack LLC and Jimmie Parsons) (Planner, Frank Rives) (cont. from 4/14 in Augusta). The applicant proposes to realign the road so it corresponds to the location of the existing road. The segment of the road is approximately 2 miles long and 30 feet wide. The portion of right-of-way to be relocated is west of Secondary Highway 435, approximately 6 miles southwest of the town of Augusta; legally described as Sections 32 and 33, T20N, R7W.

Frank Rives presented the staff report. At the meeting in Augusta Commissioner Murray requested staff ask the County Attorney where the easement was located--centerline easement or a 60' wide established easement. The county attorney has determined it would be a centerline realignment with an easement 30' on either side.

Tom Russet, Triangle Engineering, asked if the road needs to be realigned or is it a relocation of common boundary for proper notification on the certificate of survey. Mr. Rives stated staff has been requested to realign the centerline of the road to match the road, not to realign the boundaries of the property.

Kelly Blake explained if the applicant moves the centerline of the road they should submit a survey to the Review Committee to make sure it is adequate and meets the requirements for the County.

Commissioner Murray moved approval of the realignment of the road subject to 4 conditions as proposed by staff. Commissioner Tinsley seconded the motion and it carried unanimously.

The applicants requested the county participate in the cost of the survey and realignment work. Commissioner Murray moved to allow County Chief Administrative Officer to enter into negotiations with the applicant for a cost-share agreement and bring it back to the Commission for consideration. Commissioner Tinsley seconded the motion and it carried unanimously.

Proposed Summary Minor Subdivision to be known as Chisholm House. (Applicant, Daniel Barrett) (Planner, Greg McNally) (cont. from 4/14 in Augusta). The applicant proposes to create 1 additional lot for one single-family dwelling. The proposal is generally located east of Highway 435 and northwest of and adjacent to Augusta-Clemmons Road. The applicant is not present today.

Greg McNally reported the applicant proposes to create a 10-acre parcel out of an existing 437.32-acre tract. Both the individual on-site wastewater treatment system and an individual on-site well will be subject to review and approval by Montana DEQ, and the City/County Health Department. County Public Works indicated that some improvements would be occurring along secondary Highway 435 during the summer and it is expected they will replace the stop sign so staff recommended that part of the language in condition 7 be deleted. Due to increased storm water runoff and improperly maintained on-site wastewater treatment systems staff recommended this a Type 4 drainage which requires a 50' setback and a 30' buffer. The applicant did request a variance in regards to the requirements to approve Augusta-Clemmons Road from secondary Highway 435 to the subject property to county gravel road standard Typical Section No. 1.

Commissioner Murray moved denial of the variance request. Hearing no second, the motion died.

Commissioner Tinsley moved approval of variance request. Commissioner Varone seconded the motion. Commissioner Tinsley stated this variance meets the requirements and the purpose of the intent for variances. The motion carried 2-1.

Commissioner Murray moved approval of the proposed subdivision subject to 13 conditions as recommended by staff. Commissioner Tinsley seconded the motion.

Amendments to Conditions of Approval.

Condition 7. Commissioner Tinsley moved to remove condition 7. Commissioner Murray seconded the motion and it carried unanimously.

The motion for approval of the proposed subdivision as amended carried unanimously.

Bid Award. Sealed bids for the sale of county property legally described as Syndicate Addition Helena, Block 166, East ½ of Lot 9 (8'7" x 115'). Cheryl Green reported the county has taken tax deed to this property, which was considered no use in the course of business. Two bid were received. The county takes 70% of market value to start the bid. In this case, the appraised value was \$2,000.00, so the minimum would be \$1,400.00. The first bid was from Kenneth Burgett, 721 Floweree Street, Helena, MT, in the amount of \$2,650.00. The second bid was received from Cliff Christian, 4525 Highway 12 West, the business is at 1831 Euclid in the amount of \$3,001.99.

Commissioner Murray moved the county accept the bid from Mr. Christian in the amount of \$3,001.99 and authorized the Chair to sign the appropriate documents. Commissioner Tinsley seconded the motion and it carried unanimously.

Informational Item – Ten Mile/Pleasant Valley Subdivisions Wastewater Flow Monitoring Scope of Services. Laura Erikson reported the commissioners would consider the wastewater flow monitoring Scope of Services Agreement between the DEQ and Water Quality District. DEQ would follow through with enforcement action for more flow data, and Morrison-Maierle would be contracted to collect the data on how much wastewater is entering those lagoons on a daily basis and that the lagoons are functioning adequately.

Commissioner Tinsley moved approval of support for the wastewater flow monitoring project and the associated contract, and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Final Plat Approval and Subdivision Improvements Agreement for the Lakeside Village on Hauser Major Subdivision. (Applicants, Conrad and Sheryl Hale). The applicants were present. Frank Rives reported the applicants have met all of the conditions of approval. They are bonding for a number of the improvements had have entered into a Subdivision Improvements Agreement. Staff recommends approval of the final plat and agreement. Commissioner Tinsley moved approval of the final plat and the Subdivision Improvements Agreement and authorized the Chair to sign all documents. Commissioner Murray seconded the motion and it carried unanimously.

Resolution Relating To Rural Special Improvement District No. 2006-4; Declaring It To Be The Intention of the Board of County Commissioners To Create District No. 2006-4 For The Purpose Of Undertaking Certain Local Improvements And Financing The Costs Thereof And Incidental Thereto Through The Issuance Of Rural Special Improvement District Bonds Secured By The County's Rural Special Improvement District Revolving Fund And District Reserve Fund. The Commissioners will consider the resolution in the amount of \$585,000.00. Marni Bentley reported Golden Estates IV Major Subdivision received preliminary approval from the City of Helena in August of 2005 and one of the conditions was to make improvements to the surface of McHugh Lane. The subdivision is currently within the county but will be annexed into the city upon final plat approval. The developer of this subdivision has requested to use the county's rural improvement district mechanism to fund these improvements to McHugh Lane and share the cost with other benefiting properties.

The cost of the improvements to be paid through the special improvement district is in the amount of \$585,000 and the bonds will have a 15-year duration. All properties within the boundary of the RID are to be assessed a portion of the costs and the incidental costs. The method of assessment is an assessable area method--square footage. The lots owned by Kim Smith and Yuhas will be assessed 100% of square footage because they do have the improvement adjacent to the entire length of their property. The assessable area of the lot owned by McHugh is 72.9% of the square footage because that is the distance of the road that is adjacent to his lot. The total assessable area of the district is to be assessed on a square footage basis, and that cost is about \$.16 per square foot. Staff and bond counsel have recommended

approval of the resolution. Approval of this resolution will start the public hearing process. Landowners will be notified by mail, with a 30-day protest period and a public hearing on May 30.

Commissioner Murray asked if all of McHugh's property is a benefiting property even though only assessed a portion of the property? Ms. Bentley stated only a portion of his lot is benefited by this RID; a portion of his property was already improved.

Commissioner Tinsley asked why the city did not pursue the RID as a whole? Ron Alles explained two venues the city and county can take, (1) the county may, by resolution, give the city commission the authority to do an SID on county residents, those which are not city residents; and (2) this particular action because these are currently non-city residents the county can pursue improvements to that street through an RID. This is the county taking its authority through the RID process to accomplish this project.

Mrs. Bentley noted the public meeting is scheduled for May 30.

Commissioner Murray moved approval of the resolution and authorized the Chair to sign. Commissioner Varone seconded the motion. Commissioner Tinsley voted no. The motion carried 2-1.

Public Hearing. Resolution Levying And Assessing A Tax Upon All Benefited Property Within The Big Valley Road Improvement District No. 93-5. Marni Bentley reported this rate hearing adds four properties north of the current district. Due to recent road improvements in this area there are roads that now access roads in the Big Valley RID and they should be assessed for maintenance because they do benefit. The assessments would remain at the current rate at \$160.00 per year per lot for developed properties and \$80.00 per year per lot for undeveloped properties within the amended district boundaries.

Ronald Curtis stated he is the owner of one of those four properties and asked if the other 12 properties would be paying when they do maintenance on that portion of the new road?

Heidi Ingels, RID President, stated the reason for adding only those 4 properties is because at this time those are the only properties that actually benefit by roads in this RID. Currently there is no easement through Green Meadow Drive to access north and the RID does not encompass Applegate Drive. Within the scope of the resolution we will only be improving the roads that we are approved to maintain.

Hearing no other comments, this closes the public meeting. Commissioner Murray moved approval of the resolution and authorized the Chair to sign. Commissioner Tinsley seconded the motion and it carried unanimously.

Public comments on matters not mentioned above.

Heidi Ingels, 8448 Diamond Springs Drive, commented that properties that are going to be developed and that have been developed to the north are not county maintained roads and suggest those areas develop their own RID for road improvement. She also asked about the process for naming roads.

Jerry Grebenc responded that anyone planning a major subdivision would need to create an RID to maintain the roads within the subdivisions. Ms. Ingels should contact the City/County Address Coordinator with regards to road naming and addressing.

There was no other business and the meeting adjourned at 9:54 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Anita L. Varone, Chair

Michael A. Murray, Vice-Chair

Ed Tinsley, Member

ATTEST:

Paulette DeHart, Clerk of the Board